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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

RESHMA ABELL,

Plaintiff,

v.

PACIRA PHARMACEUTICALS, INC.,  
DAVE STACK, individually and in his  
capacity as Chief Executive Officer of  
PACIRA PHARMACEUTICALS, INC.,  
and RICH KAHR, PETER MURPHY,  
DENNIS McLOUGHLIN, PAUL  
CIAVOLELLA, GLENN REISER, JOYCE  
DAVIS AND MATT LEHMANN, in their  
capacities as employees of PACIRA  
PHARMACEUTICALS, INC.,

Defendants.

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:  
: Civil Action No.:  
: 2:18-cv-16509 (MCA) (AME)  
:  
:

: **DECLARATION OF JAMES J. PANZINI IN**  
: **SUPPORT OF DEFENDANTS' MOTION FOR**  
: **SUMMARY JUDGMENT**

**James J. Panzini**, of full age, declares as follows:

1. I am an attorney at law in the State of New Jersey and a principal with the law firm of Jackson Lewis P.C. I am one of the attorneys charged with the responsibility of defending this matter on behalf of Defendants Pacira Pharmaceuticals, Inc. ("Pacira" or "the Company"), Richard Kahr, Peter Murphy, and Glenn Reiser (collectively as "Defendants"), and I am fully familiar with the facts set forth herein.

2. I make this Declaration in support of Defendants' motion for summary judgment dismissing the Complaint of Plaintiff Reshma Abell ("Plaintiff"), in its entirety, with prejudice, as a matter of law and based on the undisputed material facts in the record. In particular, I make this Declaration to place before the Court certain materials necessary for the resolution of Defendant's summary judgment motion.

3. A true and correct copy of Plaintiff's Complaint filed on November 28, 2018 is attached hereto as Exhibit 1.

4. A true and correct copy of the Court's Order entered on July 31, 2019 (ECF No. 37) dismissing: Defendants Stack, McLoughlin, Ciavolella, Davis, and Lehmann from Count 1; all individual Defendants from Count 2; Defendants McLoughlin, Ciavolella, Davis, and Lehmann from Count 3; Defendants Stack, David, and Lehmann for Count 4; and dismissing Count 5 in its entirety is attached hereto as Exhibit 2.

5. A true and correct copy of the Voluntary Stipulation of Dismissal of claims against Defendant McLoughlin and Ciavollela (ECF No. 80) is attached hereto as Exhibit 3.

6. Following the Court's Order (ECF No. 37) described above, and the Voluntary Stipulation Dismissal (ECF No. 80), the remaining claims in this lawsuit are: (1) sex discrimination under the LAD against Pacira, Kahr, Murphy and Reiser; (2) sexual harassment hostile work environment under the LAD against Pacira; (3) retaliation under the LAD against Pacira, Kahr, Murphy and Reiser, and; (4) retaliation under CEPA against Pacira, Kahr, Murphy and Reiser.

7. A true and correct copy of excerpts of Richard Kahr's deposition transcript cited in Defendants' motion for summary judgment is attached hereto as Exhibit 4.

8. A true and correct copy of excerpts of Peter Murphy's deposition transcript cited in Defendants' motion for summary judgment is attached hereto as Exhibit 5.

9. A true and correct copy of excerpts of the Organizational Chart, bearing bates stamped numbers Pacira 000104, 000108, and 000110 (marked as Exhibit 49 in the deposition of Kahr), is attached hereto as Exhibit 6.

10. A true and correct copy of excerpts of Glenn Reiser's deposition transcript cited in Defendant's motion for summary judgment is attached hereto as Exhibit 7.

11. A true and correct copy of relevant portions of Pacira's Employment Handbook, bearing bates stamped numbers Pacira 000283-294, (marked as Exhibit D-3 and 43 in the depositions of Plaintiff and Kahr, respectively), is attached hereto as Exhibit 8.

12. A true and correct copy of Plaintiff's training records, bearing bates stamped numbers Pacira 000029-32, (marked as Exhibit D-5 in the deposition of Plaintiff) is attached hereto as Exhibit 9.

13. A true and correct copy of excerpts of Plaintiff Abell's deposition transcript cited in Defendants' motion for summary judgment is attached hereto as Exhibit 10.

14. A true and correct copy of the Sensitivity Training conducted by Pacira, bearing bates stamped numbers Pacira 001453-001543, (marked as Exhibit 42 in the deposition of Kahr) is attached hereto as Exhibit 11.

15. A true and correct copy of an email from Plaintiff regarding a pilot program, bearing bates stamped number Pacira 001008, (marked as Exhibits 17 and 28 in the depositions of Murphy and Reiser, respectively) is attached hereto as Exhibit 12.

16. A true and correct copy of excerpts of Dennis McLoughlin's deposition transcript cited in Defendants' motion for summary judgment is attached hereto as Exhibit 13.

17. A true and correct copy of the 2018 NSM Itinerary, bearing bates stamped numbers Pacira 001546-53, (marked as Exhibit 20 in the deposition of Murphy), is attached hereto as Exhibit 14.

18. A true and correct copy of the 2018 Women's leadership dinner RSVP list, bearing bates stamped numbers Pacira 000069-70, (marked as Exhibit 50 in the deposition of Kahr) is attached hereto as Exhibit 15.

19. A true and correct copy of an email from Reiser, bearing bates stamped numbers Pacira 001338-39, (marked as Exhibits 38-39 in the deposition of Reiser) is attached hereto as Exhibit 16.

20. A true and correct copy of an email from Braunstein, bearing bates stamped numbers Pacira 001256, (marked as Exhibit 23 in the deposition of Murphy) is attached hereto as Exhibit 17.

21. A true and correct copy of an email between Rock and Kahr, bearing bates stamped numbers Pacira 000088-90, (marked as Exhibits 44 and 46 in the deposition of Kahr) is attached hereto as Exhibit 18.

22. A true and correct copy of the declaration of Seth Whaley, bearing bates stamped numbers Pacira 000425-426, (marked as Exhibit 54 in the deposition of Seth Whaley) is attached hereto as Exhibit 19.

23. A true and correct copy of excerpts of Seth Whaley's deposition transcript cited in Defendants' motion for summary judgment is attached hereto as Exhibit 20.

24. A true and correct copy of the recording of Plaintiff's termination, produced in this litigation by Plaintiff, is attached hereto as Exhibit 21.

I declare that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

/s/ James J. Panzini

James J. Panzini

Date: May 7, 2021